

## REMARKS

Claims 1 – 19 are in the application. By this amendment, the specification and Claims 3-4 have been amended, as has drawing Figure 1. Quarter panel 11 of Figure 1 has been identified to overcome an objection to the drawings.

Claims 3-4 stand rejected under 35 U.S.C. 112, as being indefinite. The Examiner has suggested a wording change to cure this rejection and Applicant has amended Claims 3 and 4 accordingly; these claims are believed to be in condition for allowance and should be passed to issue. Such action is earnestly solicited.

Claims 1-7, 10-14 and 17-19 stand rejected under 35 U.S.C. 102(b) as being anticipated by Sagawa et al, U.S. Patent No. 6,299,239 (“Sagawa”). The Examiner states that Sagawa discloses the claimed invention including a floor pan for supporting a seat on risers, a side closure structure and seat displacement member 34. The Examiner states that Sagawa’s door inner panel backed by seat displacement member 34 will impact seat riser 24, given a large enough impact force, to result in further displacement beyond that shown in Sagawa’s figure 13. Applicant respectfully traverses this rejection and requests that each of Claims 1-7, 10-14 and 17-19 be reconsidered in view of these remarks and passed to issue over the Examiner’s rejection.

As set forth in independent Claims 1, 10 and 17, the claimed invention is directed toward a seat and seat displacement member located within a side closure structure which adjourns the outboard end of the seat, with the side closure and seat displacement member being located so as to deform the seat frame and move the seat laterally inward with respect to the longitudinal center plane of the vehicle such that the pelvic region of an occupant of the seat will be the first region of the occupant to be dynamically loaded by the side closure structure. The Examiner must consider this final limitation carefully because the functionality of having a pelvic region of an occupant of the seat to be the first region of the occupant to be dynamically loaded by the closure structure in the event of a side impact against the vehicle means, as set forth in Applicant’s specification, that the

relatively stronger pelvic region will be employed for moving the occupant laterally. In other words, Applicant's claimed invention pushes the seat out of the way, allowing the occupant to be contacted in the pelvic region. If the seat were not pushed out of the way, the occupant could be contacted in the upper torso region, thereby increasing the risk of injury to the occupant of the vehicle.

Sagawa neither teaches nor suggests Applicant's claimed invention, because Sagawa teaches that which is rejected in Applicant's specification. In the disclosure information section of Applicant's specification, Applicant describes known systems as relying upon strengthening of platforms upon which the seat is mounted or the B-pillar or rocker panels, door beams or floor pan of the vehicle. In the present case, Sagawa strengthens the seat frame and has a structure 21A and 28 which are column loaded to resist side impact by using the seat as a column between Sagawa's reinforcement member 33 and tunnel 5. At column 6, lines 22-25, Sagawa states that load is transmitted by his seat to tunnel 5. Thus, Sagawa teaches away from Applicant's claimed invention because Sagawa's seat resists sideways motion in response to lateral impact.

The fact is that each independent claim in this case recites that the pelvic region of the occupant will be the first region of the occupant to be dynamically loaded by a side closure structure; this can happen only if the seat moves out of the way. This is precisely what is claimed with Applicant's seat displacement member, and as a result, each of Claims 1, 10 and 17 as well as Claims 2-7, 11-14, 18 and 19, which depend respectively therefrom, are all allowable over Examiner's rejection and should be passed to issue. Such action is earnestly solicited.

Claim 8 stands rejected under 35 U.S.C. 102(b) as being anticipated by Shimoda, U.S. Patent 4,934,751 ("Shimoda"). The Examiner states that Shimoda discloses the claimed invention, including a quarter panel. However Shimoda, too, teaches away from Applicant's claimed invention because Shimoda is dealing with the strengthening of quarter panel against impact and contains not the scintilla of a teaching or suggestion of moving the seat out of the way so that the occupant's pelvic region is the first part of the

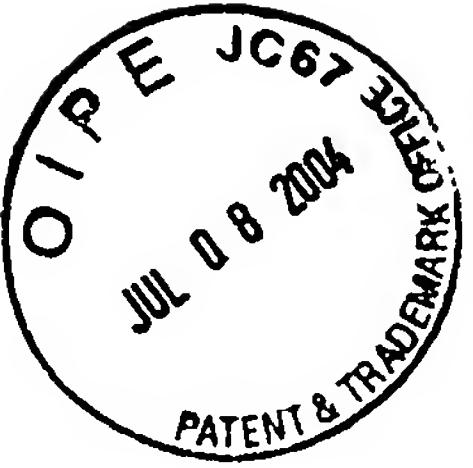
occupant's body to be contacted by the closure panel. As a result, Claim 8 is allowable over Shimoda and should be passed to issue. Such action is earnestly solicited.

Claims 9 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Sagawa et al. in view of Laborie et al. U.S. Patent 6,550,850 ("Laborie"). The Examiner states that Sagawa discloses the claimed invention except for pelvic pusher block; for this the Examiner looks to Laborie.

Applicant respectfully submits that neither Sagawa nor Laborie, whether taken singly or in combination with each other, either teach or suggest Applicant's claimed invention because neither Sagawa nor Laborie teach the claimed invention in which the seat is moved away so that the occupant's pelvic region is first to be contacted by a closure panel. As a result, Applicant's Claim 9 is allowable and should be passed to issue over the Examiner's rejection. Such action is earnestly solicited.

Claims 15-16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sagawa et al in view of Walker et al. U.S. Patent 5,542,748 ("Walker"). The Examiner cites Walker for disclosure of a resinous pusher block. Nevertheless, neither Sagawa nor Walker, whether taken singly or in combination with each other, either teach or suggest the use of the seat displacement member in the claimed manner. As a result, Claims 15 and 16 are allowable over Sagawa and Walker and should be passed to issue over the Examiner's rejection.

Applicant submits that each of the claims in this case i.e. Claims 1-19 is now in condition for allowance and should be passed to issue. Such action is earnestly solicited.



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CERTIFICATE OF MAILING

I hereby certify that the enclosed Amendment is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 6<sup>th</sup> day of July, 2004.

A handwritten signature in black ink, appearing to read "Daphne Poh".

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Daphne Poh